

## THE OUTLOOK

THOS. O. LUSTER  
Editor and Publisher

Published Weekly In The Interest  
of Carrizozo and all of Lincoln  
County, New Mexico.

LARGEST CIRCULATION IN THE COUNTY

Entered as second-class matter January  
5, 1911, at the post office at Carrizozo, New  
Mexico, under the Act of March 3, 1879.

Advertising forms close Wednesday at noon.  
News columns close Thursday night. If you  
do not receive your paper regularly, please notify  
the Publisher. Advertising rates on application.

### SUBSCRIPTION RATES

ONE YEAR, In Advance - - - \$1.50  
SIX MONTHS, In Advance - - - .75  
OFFICE PHONE NUMBER 24

FRIDAY, DECEMBER 3, 1915

For President  
LAWRENCE Y. SHERMAN  
of Illinois

### SUPREME COURT RENDERS DECISION

(Continued from page one)

is equally fatal to the act as a direct statement of non compliance would be. Third, those which hold that such enrolled act is not conclusive, and that the journals may be examined for certain purposes, but that a failure of the journals to show a full compliance with the constitutional requirements in regard to the modes of passage of the acts, will not cause the act to be held unconstitutional, and that this will only be done where the entries on the journal affirmatively show that the act has not been constitutionally passed. Fourth, decisions which do not rest upon general rules or principles, but set up as a basis the peculiar or special language of the constitution under consideration. *LeLoach v. Newton*, 134 Ga., 739; 68 S. E. 708, 20 Ann. Cas. 342. Included in the last class are those cases which hold that a failure to show on the journal compliance with a constitutional requirement does not invalidate the act, unless the constitution directs that such compliance must be entered on the journal.

As to whether the courts will, or will not, look behind the properly authenticated act to the journal for the purpose of ascertaining that all the constitutional provisions relative to its enactment have been complied with, it may be stated that the courts are approximately equally divided; but public policy, reason and logic and the modern trend of authority all support the first position. The courts which hold otherwise lose sight of the purpose and form of our government, and the independence which exists between the various departments thereof. Our constitution, and in fact the constitution of the United States and of each of the states, have provided for three branches of government, all of equal dignity and power within their proper spheres, and each independent of the other. Certain duties of enacting such laws as are deemed calculated to promote the prosperity and happiness of the people and provide for the general welfare. The judicial department is created and endowed with the power to construe and interpret laws and administer justice, between state and citizen, citizen and citizen, or citizen and stranger. It has no power to interfere, nor is it concerned, with the enactment of laws by the legislative department. It is true that this department determines whether an act of the legislature conflicts with the fundamental law of the state

but this is a matter entirely foreign to the enactment of the law. The executive executes the laws, and performing certain duties which the constitution and law impose upon it, and acts independently of either of the other departments. The officers of each department, except in certain instances, are answerable only to the people. The constitution has conferred upon each certain broad powers, and has prescribed the matter in which those powers shall be exercised. The mandates thus given must be held to be directed only to the officers exercising the powers conferred upon whom rests the responsibility of seeing that their acts comply with such requirements, unless some one of the departments of government has been created with superior powers and prerogatives and given a supervisory control over the other supposedly equal and independent departments of government.

Section 1 of Art. II of the Constitution expressly prohibits the exercise by one of the departments of government of powers belonging to another department, "except as in this constitution expressly directed or permitted," and no express grant of power is given to the judiciary to supervise the acts and conduct of the legislature in the passage of a legislative act.

In our constitution the judicial department is given certain broad powers and the jurisdiction of the various courts is defined. In certain contingencies the supreme court is authorized to call in a district judge to sit in place of one of the regular judges of the court. No one would contend that either of the other departments of government would have the right to question a judgment of the court, upon the ground that it did not have the right to call in a district who might have participated in the opinion. Could the legislature, by an act, disapprove of a judgment of the supreme court, on the ground that some procedure prescribed by the constitution had not been complied with? The governor is given the right to act in a certain way upon his finding that certain facts exist. Could either of the other departments legally call in question his finding that certain facts exist? Could either of the other departments legally call in question his act, upon the ground that he had erroneously determined the facts upon which his action was predicated? The very statement of the assumption of the right of either of the departments to question the acts and judgments of the judiciary is so shocking to the mind, that it demonstrates the fallacy of the proposition that the judicial department has the power to go behind the duly and properly authenticated acts of the legislature to see whether there has been compliance with constitutional directions as to its method of procedure. If that proposition were correct, then the three branches of our government are not equal and co-ordinate, as generally supposed; but the judicial branch of the government is paramount to each of the others and is invested with the power and charged with the duty of exercising a supervisory control over both the other departments of government, and of seeing to it that such departments act and perform their functions, not according to their interpretations of the constitutional mode of doing the act undertaken, but as the judicial branch of the government may interpret the fundamental law as to the method of procedure.

## Our Store Is Filled With Pretty Holiday Things

YOU'LL FIND SUITABLE GIFTS HERE  
FOR THE WHOLE FAMILY

### Ladies' Bath Robes

(A Most Acceptable Gift)  
A very pretty showing in Navy,  
Brown, Rose, Tan, etc

From \$3 to \$4.50

### Handkerchiefs

The most complete line of  
Handkerchiefs ever shown  
in holiday boxes

35c to \$1.25

## TOYLAND OPEN:

The opening display has caused a stir among the youngsters already, and we advise an early selection, for as the case always is, the most desirable toys go first. A beautiful collection of Dolls ranging in price from 15 cents to \$3.00.

## FOR GIFTS

Pretty Gold Filled Jewel  
Case in oblong and round  
shape

\$1 to \$2.25

Men's Leather Traveling  
Cases.

Colonial Silver Picture  
Frames.

Ladies' Ivory Toilet Sets  
Ladies' Ivory Manicure  
Sets.

Dainty Chinaware.

Composition Marble Stat-  
ues.

Coat Hangers in Leather  
Cases.

Men's Shaving Sets.

# Ziegler Bros

The Home of Standard Merchandise

STORE OPEN  
EVENINGS FROM  
THE 15th OF DEC.  
UNTIL XMAS.

COME LOOK  
AROUND AND  
MAKE YOURSELF  
AT HOME

## You Get The Best Here

Winter Vegetables, Fresh and  
Salt Meats, Staple and Fancy  
Groceries.

THE STORE WITH A REPUTATION FOR GOOD  
GOODS AND SQUARE DEALING

PATTY & ADAMS

PHONE 46

Best Accommodations for  
All the People All the Time

## Carrizozo Eating House

Table Supplied with the  
Best the Market Affords

(Continued to page five)